

## **October 18, 2010 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, October 18, 2010 at 6:00 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice Chairman Richard Cambra**

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

**Councillor Edward J. Silveira, Jr.**

**Councillor Barbara A. VonVillas, Members Present**

**Councillor Robert J. Sylvia, Absent**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) Land Acquisition (The Valley), (5) lease (JFK School) and (2) Collective Bargaining (Town Hall Union).**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01 P.M. and reconvene in executive session.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 7:00 P.M.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to approve the recommendation of the Personnel Review Board, effective January 1, 2011; Councillor Santos voted NO to said motion.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7.**

## **PRESENTATION**

- 1. Resolution of the Council, re: Proclaiming the Week of October 30th – November 6th, 2010 as Newport County Boy Scouts Week.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**Vice Chairman Cambra presented the resolution to Boy Scouts.**

**Boy Scout Leader Jim Fowler recognized and presented pins to three**

**Eagle Scouts.**

**Vice Chairman Cambra requested to have items #2, #7, #13 and #14 be heard under the Town Council portion of the agenda.**

## **CONSENT CALENDAR**

- 1. Approval of Minutes – Regular Meeting, October 4, 2010.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.**

- 2. Resolution of the Council, re: Proclaiming the month of October 2010 as Chiropractic Health Month within the Town.**

**Craig Pruitt, East Main Road, a local Chiropractor, addressed the Council explaining his goal is to raise awareness of obesity. Mr. Pruitt reviewed the following resolution entered here:**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**3. Memorandum of Tax Collector, dated October 4, 2010, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**4. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**5. Memorandum of Tax Collector, dated October 7, 2010, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**6. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**7. Memorandum of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

**Councillor Santos questioned what “other” is under the abatements, if the tax roll has been certified, have addendums been mailed and if consultants are still retained by the Town.**

**Town Administrator Shawn Brown, responding to Councillor Santos, noted that he will let supply the information at a later date, concerning the “other” category within the abatements. Mr. Brown explained that the tax roll has been certified and consultants will be retained when necessary.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**8. Resolution of the Council, re: Cancellation of taxes for certain**

**Middletown taxpayers.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**9. Memorandum of Town Administrator, with enclosures, re: FY2011 Budget Adjustments – School Department.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**10. Resolution of the Council, re: FY2011 Budget Adjustments – School Department.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**



**11. Memorandum of Town Administrator, with enclosures, re: Tax Collector's Report for period ending September 30, 2010.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and report.**

**12. Notice of Public Hearing from the Middletown Zoning Board of Review, Petition of Middletown Methodist Church – C/O Rev. Amy Alletzhauser, 24 Jib Court, Middletown, RI (owner) – Calvary United Methodist Church (applicant) – for a Special Use Permit from Section 1211(D)(1)(a) – to allow a 16 square foot freestanding post sign where 6 square feet is allowed for the Methodist Community Garden. Said real estate located at 200 Turner Road, TAP 119, Lot 30.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said notice.**

**Councillor Silveira recused himself from acting on the following item of business, #13, due to a possible conflict of interest.**

**13. Communication of Attorney Joseph R. Palumbo, Jr., re: Request to postpone Public Hearing for Petition of CVD II, LLC for rezoning Assessors Plate 111, Lots 8, 9, 9A, 10 to Regular Meeting of the Council December 6, 2010.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**David Dill, 141 Busher Drive, addressed the Council expressing concern that the public hearing is being postponed to a later date.**

**Councillor Bozyan expressed concern and clarification for postponing public hearings.**

## **14. Continued from Regular Meeting, August 16, 2010**

### **Public Hearing (Advertised; Abutters Notified)**

#### **An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, reclassification of Lots 8, 9, 9A and 10, TAP 111 from Light Industry (LI) to new zoning district General Business A (GBA). (Planning Board recommendation attached)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue said public hearing to the January 18, 2011 regular meeting of the Council; abutters are to be notified of the Public Hearing at the expense of the petitioner.**

**TOWN COUNCIL**

**1. Memorandum of Council President Semonelli, with enclosures, re: Multi-city chocolate drive.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**Council President Semonelli reviewed his memorandum noting his correspondence with William B. Caldwell, IV, LTG, USA Commander, NATO Training Mission-Afghanistan and CG, CSTC-A to Alexandria Prescott, USN, NTM-A/CSTC-ACJ6 OIC Current Ops, Kabul Afghanistan.**

**Carmela Geer, Wood Road, addressed the Council explaining the Multi-city chocolate drive includes a competition amongst Middletown Schools. The students involved are making cards, letters and posters for the troops to be sent along with the chocolate.**

## **2. (Advertised for Public Hearing)**

**Public Hearing Remains Open.**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 25A – Wind Energy Conversion Facilities.**

**Public Hearing remains open.**

**Council President Semonelli noted his and Councillor Bozyan's support for the proposed Wind Energy Conversion Facilities amendments.**

**John K. McColloch, 355 Indian Avenue, Portsmouth, addressed the Council requesting support for the proposed amendments to the Wind Energy Conversion Facilities.**

**Christine Forster, 124 Green End Avenue, Member of the Wind Turbine Committee, requests the Council not to approve the proposed Wind Energy Conversion Facilities amendments noting the amendments place too many restrictions for possible wind turbines.**

**Richard Price, 9 JH Dwyer Drive, requests the Council to support the proposed amendments, explaining that action needs to be taken to preserve Town scenic vistas.**

**Nick Pasyanos, 2 Toni Lynn Terrace, noted his support for the proposed amendments.**

**George Jacobs, 279 Third Beach Road, urged the Council to approve the proposed amendments, which will allow wind turbines to be discussed and decided on an individual basis.**

**Peter Tarpgaard, 5 Longmeadow Avenue, urged the Council to deny the proposed amendments to the ordinance explaining that the language in the proposed amendments are restrictive to the construction of wind turbines.**

**Antone Vivieros, 110 Indian Hill Road, addressed the Council explaining that residents should be able to do as they wish on their property, as long as it does not affect the neighbors.**

**Thomas Cook, 8 Stimpson Street, noted that the proposed amendments will bring the ordinance in line with the Comprehensive Community Plan.**

**Joselyn Sherman, 83 Indian Avenue, noted her support for the proposed amendments to the ordinance and her support of an island wide wind farm.**

**Don Mallinson, 201 Fairway Drive, addressed the Council suggesting**

**that the Town decide if it does or does not want wind turbines/clean energy.**

**Carol Cummings, 738 Indian Avenue, noted that she feels wind turbines do not belong in Town.**

**Donna Olszewski, 36 Education Lane, Portsmouth, addressed the Council explaining that she lives next the Portsmouth wind turbine. Mrs. Olszewski noted that the flicker and noise of the turbine is bothersome to her family.**

**Bruce Long, 1 Winfield Court, addressed the Council requesting them to support the proposed amendments and reenact the wind turbine moratorium.**

**There being no other persons present desiring to be heard on the matter, public hearing was declared closed.**



**Councillor Silveira thanked the residents for their input and noted his support for the proposed amendments.**

**Vice Chairman Cambra noted his support for the proposed amendments.**

**Councillor Santos thanked all the residents for their participation and invited all to attend the budget meetings. Ms. Santos noted her support for the proposed amendments.**

**Councillor VonVillas noted her opposition to the amendments explaining that the amendments are more restrictive than the Comprehensive Community Plan. Ms. VonVillas explained that there are appropriated areas in Town where a Town turbine may be constructed, however; noted opposition to a turbine by the Town beaches.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to adopt said ordinance on its second reading; Councillor VonVillas voted NO to said motion.**

**3. Continued from Regular Meeting, October 4, 2010**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code, Chapter 71, Traffic Regulations, Section 71.08, Driving on Streets Closed to Traffic Prohibited.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**4. Memorandum of Town Administrator, with enclosures, re: Award of Contract for Engineering Services – Development Plan Review. (Planning Board recommendation attached)**

**Antone Viveiros, 110 Indian Hill Road, questioned why the bid rates were not supplied for the award of contract.**

**Town Administrator Shawn Brown explained that the RFQ process was utilized; rates are supplied within the proposal which is selected on the basis of qualification.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**5. Resolution of the Council, re: Award of Contract for Engineering Services – Development Plan Review.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**6. Memorandum of Councillor Silveira, re: Formation of a Charter Review Commission.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Silveira reviewed the memorandum entered above.**

**Discussion centered around the charge of the committee.**

**Antone Viveiros, 110 Indian Hill Road, noted he was pleased that this request has come forward. Mr. Viveiros explained that all amendments should be voted on by the electorate.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to accept the recommendation; charging the said committee with the specific list entered here:**

**,and include a comprehensive review of the entire charter.**

**7. Memorandum of the Citizens Memorial Committee, with enclosure, re: Memorial for Arthur Benner and Hall of Fame.**

**Councillor Silveira read all the names to be listed on the Town's memorial plaque.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and approve said recommendation of the Citizens Memorial Committee.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to accept all of the names recommended by the Citizens Memorial Committee to be placed on the Town's plaque.**

**Paul Lamond, 2 Porter Road, expressed appreciation to the Citizens Memorial Committee for approving the request by the Tree Commission and noted that the bench in memory of Mr. Arthur Benner will be located at Paradise Park.**

**8. Appointment of one (1) member to the Middletown Personnel Review Board for a term expiring June 2013. (Bi-partisan Board)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Barbara Sylvia to the Personnel Review Board for a term expiring June 2013.**

**9. Appointment of two (2) members to the Tax Assessment Review Board for 1) for a term expiring October 2013 2) to complete a term**

**expiring October 2011. (Bi-partisan Board)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Tracy Taber for a term expiring October 2013 and appoint James T. Leavitt to complete a term expiring October 2011 to the Tax Assessment Review Board.**

**10. Memorandum of Town Administrator, with enclosure, re: Middletown Beach Commission Composition, Terms, Meetings, Powers and Duties.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to include in #5 – campground.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**On motion of Council President Semonelli, duly seconded, it was voted unanimously to approve said charge of the Beach Commission Composition, as amended.**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**No one addressed the Council during this session.**

**On motion of Councillor Silveira, duly seconded, it was voted**



**unanimously to adjourn this meeting at 9:10 P.M.**

**Wendy J.W. Marshall, CMC**

**Council Clerk**

**October 18, 2010 - Regular Town Council Meeting**

**Published by ClerkBase**

**©2010 by Clerkbases. No Claim to Original Government Works.**